

REMARKS

Claims 1, 3-6, and 41-47 are now pending in this application. Claims 2 and 7-40 are cancelled as a result of this amendment. Claims 1, 3, 6, 41, and 42 have been amended, and claim 47 is new. Basis for the amendments and new claims can be found throughout the specification, claims and drawings originally filed. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

REJECTION UNDER 35 U.S.C. § 103

Claims 1, 2, 4, 5, 41, and 46 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Muto et al. in view of Yoshinori et al. (U.S. Pat. No. 6,059,018). This rejection is respectfully traversed, although claims 1 and 41 have been amended.

Claim 1

Muto et al. (USP 6,158,225) discloses “a ventilation fan for discharging air in the interior of the vehicle to the outside and a solar battery for feeding electric power to the cooling thermo-electric element module and the ventilation fan and the sub-controller performs a pre-cooling control in which the ventilation fan is made to operate ...” (col. 3, line 67 - col. 4, line 8). Additionally, Muto’s ventilation fan is caused to operate by a 3rd electrical power source when the other on-board electrical sources have been exhausted (col. 4, lines 60 – 67). Because of Muto’s power sourcing arrangement, the Muto device consumes large amounts of energy in order to ventilate the interior of the vehicle, which may not be instantaneously felt by a passenger, due to a large interior

space. However, Applicant's amended claim 1 recites, "the air blowing portion is activated to blow air at least through the surface of the seat and to ventilate the passenger compartment immediately when a condition where a temperature therein is equal to or higher than a predetermined temperature." Applicant's claimed invention permits the pre-cooling feeling for the passenger to be immediately and effectively improved since cooling is accomplished through the seat.

Yoshinori et al (USP 6,059,018) discloses air being blown through the seat after a vehicle has been parked for an extended period of time (co. 5, lines 38-42). But, Yoshinori does not teach pre-cooling when no passengers are present in the vehicle; therefore, Yoshinori is not directed to cooling an unoccupied vehicle. As stated in col. 5, lines 58-60, the cool air blown out of the seat gives a comfortable feeling to the occupants. Yoshinori is concerned only with cooling the vehicle upon being occupied.

Applicant's amended claim 1 recites, "said air blowing portion capable of blowing air through a surface of the seat to ventilate the passenger compartment when said control device determines that the vehicle is parked and that no passenger is in the passenger compartment." Accordingly, even when combined, Muto and Yoshinori do not recite the elements of Applicant's amended claim 1.

Thus, Applicant believes claim 1, as amended, patentably distinguishes over the art of record. Likewise, claims 4 and 5, which depend from claim 1, are also believed to patentably distinguish over the art of record. Claim 2 has been cancelled. Reconsideration of the rejection is respectfully requested.

Claim 41

Similarly to amended claim 1, amended claim 41 now, in part, recites, “a seat air conditioning unit for blowing air through a surface of a seat provided in the passenger compartment”, and “where the control device detects a condition in which temperature in the compartment is equal to or higher than a predetermined level when the vehicle is parked, and for blowing the air through the surface of the seat by activating a blower provided in the seat air conditioning unit to immediately ventilate the passenger compartment when the control device determines that no passenger is in the passenger compartment.” Accordingly, even when combined, Muto and Yoshinori do not recite the elements of Applicant’s amended claim 41.

Thus, Applicant believes claim 41, as amended, patentably distinguishes over the art of record. Likewise, claim 46, which depends from claim 41, is also believed to patentably distinguish over the art of record. Reconsideration of the rejection is respectfully requested.

ALLOWABLE SUBJECT MATTER

The Examiner states that claims 3, 6, and 42-45 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Accordingly, the Applicant has rewritten claims 3, 6, and 42 to contain all of the limitations of their original base claim and any intervening claims. Additionally, claims 43-45 are also believed to be in condition for allowance because of their ultimate dependency upon claim 42, which is believed to be in condition for allowance.

Claim 46 is believed to be allowable because of its dependency upon claim 41, now believed to be in condition for allowance.

New Claim 47

Claim 47 is the combination of original claims 1 and 42, with minor changes to the writing style. Because the Examiner has indicated claim 42 is allowable, new claim 47 is also believed to be in condition for allowance because it contains the element of claim 42.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: June 13, 2005

By:

A handwritten signature in black ink, appearing to read "Michael J. Schmidt", written over a horizontal line.

Michael J. Schmidt

Reg. No. 34,007

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600

MJS:MDF:ca